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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,681	01/29/2001	Nils B. Lahr	39565A	5436

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FELLERS SNIDER BLANKENSHIP  
BAILEY & TIPPENS  
THE KENNEDY BUILDING  
321 SOUTH BOSTON SUITE 800  
TULSA, OK 74103-3318

EXAMINER

ISMAIL, SHAWKI SAIF

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 05/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/770,681

Applicant(s)

LAHR, NILS B.

Examiner

Shawki S Ismail

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 01/29/01.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1-29-01 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5-10 1-29-01
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**Detailed Office Action**

1. Claims 1-12 are presented for examination.

The references in IDS, paper No. 5 and 10, have been considered.

***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "12" is not found in Fig. 1 of the drawings as discloses on page 3, col. 1, par. [0035]. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Objections***

3. Claim 12 is objected to because it is directed to a method but it depends on a claim that is directed to a system. It appears that there is a typographical error as such the numeral "1" should be changed to "7" to make it dependent on claim 7, which is a method claim.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1,2, 4, 5, 6, 7, 8, 10, 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by **Chaddha et al.**, U.S. Patent No. 6,151,632.

6. As to claim 1, Chaddha teaches a system for duplicating data in a distributed data delivery network, comprising:

a data distributor (recast server 320, col. 6, lines 29-48), adapted to receive data from a data source (source 302, col. 6, lines 29-34) and deliver said data to at least one server (i.e. secondary server) in said distributed data delivery network (network 300); and at least one of the following:

a first encoder (encoding server 304 col. 6, lines 29-48), adapted to encode said data and provide encoded data to said data distributor, which is adapted to deliver said encoded data along with said data to said at least one server.

7. As to claim 2, Chaddha teaches the system claimed above, further comprising said first encoder (encoding server 304, col. 6, lines 29-48, Chaddha discloses an encoding server for encoding the video into a number of different bandwidth points, and associated indexes).

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8. As to claim 8, it has similar limitations of claim 2; therefore it is rejected under the same rationale.

9. As to claim 4, Chaddha teaches the system claimed above, further comprising a data storage associated with at least one server and adapted to store said data and said encoded data (mass storage 104, col. 1, lines 44-61, Chaddha discloses a mass storage devices used to store a number of video frames).

10. As to claim 10, it has similar limitations of claim 4; therefore it is rejected under the same rationale.

11. As to claim 5, Chaddha teaches the system as in claim 1, further comprising a data provider (secondary server 350 and 360, col. 6, lines 49-56, Chaddha discloses a secondary server that provides the video files to clients), adapted to provide one of said data and said encoded data from at least one server to a user in response to a request from said user (clients 352, 354, 356, 362, and 364. col. 6, lines 49-56).

12. As to claim 11, it has similar limitations of claim 5; therefore it is rejected under the same rationale.

13. As to claim 6 and 12, they have combined limitations of claims 4 and 5; therefore they are rejected under the same rationale.

14. As to claim 7, Chaddha teaches a system for duplicating data in a distributed data delivery network, comprising:

Receiving data from a data source (source 302, col. 6, lines 29-34), and delivering said data to at least one server in said distributed data delivery network (network 300); and

At least one of the following:

Encoding said data and providing encoded data to said data distributor (recast server 320, col. 6, lines 29-48, which is adapted to deliver said encoded data along with said data to at least one server;

***Claim Rejections - 35 USC § 103***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Chaddha et al.**, U.S. Patent No. 6,151,632 and further in view of **de Vries et al.**, U.S. Patent No. 6,704,738.

17. As to claim 3, Chaddha teaches the system for duplicating data in a data delivery network, comprising of:  
data distributor, adapted to receive data from a data source and deliver the data to at least one server in the distributed data delivery network. Chaddha also teaches a first encoder, adapted to encode the data and provide encoded data to the data distributor, which is adapted to deliver the encoded data along with data to at least one server;

however, Chaddha does not explicitly teach a second encoder which performs the encoding after the data distribution.

de Vries teaches a secondary server associated with at least one server and adapted to encode the data delivered by the data distributor to provide encoded data (encoder 36, col. 12, line 53 - col. 13, line 32, de Vries discloses a second encoder used for encoding after the distribution of data to the media database server 24).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the inventions of Chaddha and de Vries to incorporate a second encoder after the distribution of data to allow the information to be sent to appropriate clients in an efficient and timely manner (col. 13, lines 34-37).

18. As to claim 9, Chaddha teaches the method for duplicating data in a data delivery network, comprising of:

a data distributor, adapted to receive data from a data source and deliver the data to at least one server in the distributed data delivery network. Chaddha also teaches a first encoder, adapted to encode the data and provide encoded data to the data distributor, which is adapted to deliver the encoded data along with data to at least one server; however, Chaddha does not explicitly teach a second encoder which performs the encoding after the data distribution.

de Vries teaches a secondary server associated with at least one server and adapted to encode the data delivered by the data distributor to provide encoded data (encoder 36, col. 12, line 53 - col. 13, line 32, de Vries discloses a second encoder used for encoding after the distribution of data to the media database server 24).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the inventions of Chaddha and de Vries to incorporate a second encoder after the distribution of data to allow the information to be sent to appropriate clients in an efficient and timely manner (col. 13, lines 34-37).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawki S Ismail whose telephone number is 703-306-6662. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 703-306-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SSI  
May 14, 2004

  
**HOSAIN ALAM**  
SUPERVISORY PATENT EXAMINER